



Shared Prosperity Dignified Life



Country matrix – Yemen 2024

The country matrix adopts and adheres to the coding standards adopted in the “Gender Justice and the Law” initiative.

General framework of the State

Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?

Yemen ratified the Convention in 1984, expressing a reservation to article 29 (1) on the settlement of disputes relating to the application and interpretation of the Convention.

Does the Constitution refer to gender equality and non-discrimination?

According to article 41 of the Constitution of the Republic of Yemen, all citizens are equal in regard to public rights and duties. The Constitution does not contain any explicit provision on gender equality. On the contrary, article 31 of the Constitution provides that women are the sisters of men. They have rights and duties which are guaranteed and assigned by Shariah law and stipulated by law.

If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?

Customary law is a source of law. It must be fixed, and it must not conflict with Islamic Shariah principles, the rule of law and public morals. The Constitution does not address the validity of customary law if it violates constitutional provisions on gender equality or non-discrimination.

If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?

Shariah Islamic law is the source for all legislation according to the Constitution. The Constitution does not address the ranking of Islamic jurisprudence and Shariah principles if they conflict with the constitutional provisions. It does not explicitly provide for their ranking in relation to the Constitution.

Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?

The law does not define the mandate and jurisdiction of informal justice systems and the obligation for them to conform to non-discrimination and gender equality standards.

Is there a law on discrimination that prohibits both direct and indirect discrimination against women?

As per the Constitution, citizens are equal and there is no normative law that prohibits direct and indirect discrimination against women.

Is there a national action plan or policy to address violence against women and

girls that is overseen by a national mechanism with the mandate to monitor and review implementation?

There is not currently a national action plan or policy to address violence against women and girls.

Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?

There are no budgetary commitments for the implementation of legislation addressing violence against women and girls.

Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?

There is not currently a national action plan or policy in place containing these measures.

Is legal aid mandated and guaranteed in criminal matters?

Pursuant to the Code of Criminal Procedure, the State provides authorized lawyers for those

who are impoverished. The Council of Ministers, drawing from a proposal from the Minister of Justice, issued a by-law regulating the provision of authorized lawyers for those who are impoverished.

Is legal aid mandated and guaranteed in civil/family matters?

The law does not contain any reference to mandating legal aid for civil and family matters.

Are there laws that explicitly require the production and/or dissemination of gender statistics?

There is no legislation that refers to gender statistics.

Legal capacity and public life

Do women and men have equal rights to apply for passports?

There is no provision that prohibits the right of women to apply for passports. In practice, however, many women are obstructed while obtaining a passport or identity card. Their application is refused because they need to have their legal guardian present.

Do women and men have equal rights to obtain an identity card?

The law on civil status and the civil registry (identity cards) provides that every citizen of the Republic of Yemen who has reached the age of 16 must obtain an identity card from the Civil Status Directorate and the Civil Register, which is located in it.

In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

Women are not required to obtain permission from judicial or administrative authorities, spouses and other family

members prior to initiating legal action in civil law matters.

In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

There are certain restrictions on women, as the law requires that a marriage contract is concluded between the husband and the woman's legal guardian – not the woman. The woman does not have the right to conclude the marriage contract herself.

Does a woman's testimony carry the same evidentiary weight in court as a man's?

Women's testimony doesn't carry the same evidentiary weight as men's. For example, article 9 of Personal Status Law No. 21 of 1998 provides that in order to conclude a marriage contract, two Muslim notaries are required as witnesses, or one man and two women. Also, Yemeni Law No. 21 of 1992 on evidence provides in article 30 that a woman's testimony is acceptable where it is not seen by men and so long as it takes place in areas assigned to women.

Can a woman enter into a contract the same way as a man?

There is no distinction in legal capacity between Yemeni male and female citizens. The age of majority is 15 years old. If the person is in possession of their mental capacity and is rational in their behaviour, he/she has full legal capacity to exercise and administer their civil rights.

Do women and men have equal rights to own, access, and control or use property?

Women have equal rights with men to own, access and control property, and a husband may not touch his wife's private money.

Does the law allow for women to register businesses the same way as men?

Article 23 of the Yemeni Trade Law No. 32 of 1991 stipulates that every Yemeni citizen who has attained the age of 18 and has not done a legal or legal impediment related to their person or the type of commercial transaction they undertake shall be eligible to engage in trade.

Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?

According to the Constitution, the State guarantees equal opportunities politically, economically, socially and culturally for all citizens. There is no provision in the law that

discriminates against women's right to hold public office but there are no positive measures of this right.

Are there quotas for women (reserved seats) in the national parliament?

There are no legal provisions for quotas for women for seats in the national parliament.

Is there a law that explicitly prohibits violence against women in politics and elections?

There is no law that criminalizes any form of violence against women in politics and elections.

Protection from violence against women and girls in the public and private spheres

Is there legislation on domestic violence that includes all forms of physical violence?

There is no law on domestic violence. The Yemeni Penal Code No. 12 of 1994 refers to certain forms of physical violence.

Is there legislation on domestic violence that includes financial/economic violence?

There is no law on domestic violence and no clause in Yemeni law addresses financial/economic violence.

The same provision applies to a person who surprises their parents, sister or other relatives in the act of committing adultery.

Is there legislation on domestic violence that includes all forms of sexual violence?

There is no law on domestic violence. The Yemeni Penal Code No. 12 of 1994 refers to certain forms of sexual violence.

Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?

There are no criminal or civil protection orders for victims of violence.

Does the law criminalize female genital mutilation (FGM) or cutting if practised?

There is no legal prohibition against FGM or cutting.

In 2001, the Ministry of Health stopped the practice of female genital mutilation in private clinics and health facilities. However, there is no monitoring of this.

Is there legislation on domestic violence that includes all forms of psychological/emotional violence?

There is no law on domestic violence and no clause in Yemeni law addresses psychological/emotional violence.

Does the law allow mitigating circumstances for femicide?

If a husband kills his wife and someone who is committing adultery with her in the act of committing adultery, or he assaults them in a way which leads to death or permanent disability, the husband shall be sentenced to no more than one year in prison or shall pay a fine.

Does the law criminalize adultery?

The Yemeni Penal Code No. 12 of 1994 criminalizes adultery.

Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?

According to the law, rape is any sexual insertion made into another person, whether they are male or female, without their consent.

Does the law include exoneration if the offender marries his victim?

There is no provision in the Yemeni Penal Code that exonerates or excuses an offender if he marries the female he raped.

Does the law criminalize marital rape?

The law does not criminalize marital rape. According to article 40 of the Personal Status Law, a woman shall obey her husband in several cases, including allowing him to conduct "legitimate" sexual relations.

Is sexual harassment defined in any legislation?

There is no law on sexual harassment in Yemen. However, some of the provisions of the Penal Code can be relied upon where it addresses immoral behaviours and immoral and obscene acts under articles 273 and 275.

Is there a provision in the law that criminalizes cyberviolence against women and girls?

There is no law in Yemen that regulates cybercrime and that prohibits violence and sexual harassment in cyberspace. These crimes can be investigated and prosecuted under the Penal Code, which emphasizes the sanctity of private life.

Are sex work and prostitution criminalized?

The Yemeni Penal Code criminalizes sex work and punishes any person practising or instigating prostitution or pornography. It also punishes any person who runs a brothel or shop, whether for prostitution or pornography.

Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?

There is no specific law criminalizing human trafficking in Yemen. The Yemeni Penal Code provides a minimum level of criminal protection under article 248.

Employment and economic benefits

Does the law mandate non-discrimination against women in employment?

Pursuant to the Labour Law, women are equal with men for all conditions of employment and employment rights, duties and relations, with no discrimination. There must also be equal opportunities between men and women in work, promotion, pay, training, qualifications and social security. The provision on non-discrimination does not consider the requirements for work or professional specifications.

Does the law mandate equal pay for the same work as men?

The Labour Law mandates equal pay for the same work as men.

Does the law mandate equal remuneration for work of equal value?

According to the Labour Law, a female worker is entitled to equal remuneration with a male worker if they are conducting the same work under the same conditions and specifications.

Does the law allow women to do the same jobs as men?

Women cannot be employed in hazardous and arduous and activities which are harmful to their health and social welfare. A decision from the Minister of

Social Security, Social Affairs and Labour defines what is meant by dangerous tasks.

Does the law allow women to work the same night hours as men?

According to the law, women may not be employed at night, except during the month of Ramadan and in activities defined by a decision from the Minister of Social Affairs and Labour.

Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?

There is one retirement age for both sexes.

Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?

The law does not discriminate between the sexes in the conditions for pension entitlement.

Does the law prohibit dismissal during pregnancy and maternity leave?

A female employee may not be dismissed under any circumstances while she is on maternity leave.

Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?

A pregnant woman may take maternity leave on full pay for 70 days.

Does the law provide for paid paternity leave available to fathers?

Fathers have no legal right to paid paternity leave. Neither the Civil Service Law nor the Labour Law provides for paternity leave.

Does the State provide or subsidize childcare facilities?

Article 45 bis of Labour Law No. 5 of 1995 requires all organizations with over 50 women employees to provide a nursery.

Does legislation tackle sexual harassment in the workplace?

Legislative provisions do not address the issue of sexual harassment in workplaces. Nonetheless, certain articles of the Penal Code which address immoral behaviours and immoral and obscene acts may be used.

Are there provisions allowing for civil

claims/remedies for sexual harassment in the workplace?

There are no provisions allowing civil claims or remedies in relation to sexual harassment.

Does the Labour Law provide protection for domestic workers?

The Labour Law excludes domestic workers from its scope under article 3 (b) (9), which provides that this law does not apply to the group "house servants or their equivalent".

Is there a public entity that can receive complaints on gender discrimination in employment?

Labour Law No. 5 of 1995 as amended does not mention any entity that can receive complaints on discrimination. However, under Chapter XII (Labour Disputes and Lawful Strikes), it mentions arbitration boards which are appointed to settle labour disputes.

Family matters (personal status)

Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?

Personal Status Law No. 27 of 1998 states under article 15 that no child under the age of 15, whether male or female, can get married.

Is marriage under the legal age void or voidable?

There is no provision ruling that a marriage contract is void if one

of the parties is under the legal age for marriage.

Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?

Men and women do not have equal rights in marriage and divorce.

Does the law prohibit polygamy?

The Personal Status Law permits polygamy.

Do women and men have equal rights to be legal guardian of their children during and after marriage?

A woman cannot be a guardian of her children. After divorce, the father is the legal guardian and is responsible for financial maintenance. After the death of a husband, guardianship passes to the paternal grandfather.

Does the law grant women and men equal custody rights of their children?

The period of custody is 9 years for a boy and 10 years for a girl, unless the judge rules otherwise in the interests of the child.

Do women and men have equal rights to choose where to live?

A wife has a duty of obedience to her husband in the interests of the family, which includes moving with him to the marital home unless it provides otherwise in the [marriage] contract that she should remain in her house or her family's house. Then she must allow him to live with her and consummate the marriage with her.

Do women and men have equal rights to choose a profession?

There is no provision that discriminates against women choosing a profession.

Do women and men have equal rights to own, access,

and control or use marital property including upon divorce?

There is no law on ownership of marital property. But the Personal Status Law provides that the man cannot touch the private funds of his wife.

Where rights to inheritance are enshrined by law, do women and men have equal rights?

Women's rights to inheritance are divided up according to Islamic Shariah law, and the statutory portions are distributed according to Shariah, which provides for women's right to inheritance. In many cases, the daughter receives half the amount the son receives.

Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?

There are no specialized family courts but there are courts in each region of the Republic of

Yemen which hear cases as they are classified, such as personal status cases, civil cases or criminal cases.

Do women have equal rights as men to pass their nationality to children?

The following are entitled to receive Yemeni nationality:

- Someone whose birth father holds Yemeni nationality.
- Someone born in Yemen to a birth mother with this nationality and a father of unknown nationality or no nationality.
- Someone born in Yemen to a mother with this nationality whose relation to her son is not proven in law.

Do women have equal rights as men to pass their nationality to a foreign spouse?

The law does not give Yemeni women married to a foreign spouse equal rights with Yemeni men who are married to a foreign spouse.

Sexual and reproductive health and rights

Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?

The issue of maternal and child health is addressed by several laws, including Law No. 4 of 2009 on health. There are no explicit restrictions on minimum age or marital status of the mother or on any third-party

authorization in order to receive health care.

Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?

Contraceptives are available but neither laws nor regulations exist that guarantee them for all

women and adolescent girls, irrespective of marital status.

Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?

Contraceptives are available but neither laws nor regulations exist that guarantee access to emergency contraception for all

women and adolescent girls, irrespective of marital status.

Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?

The Yemeni Penal Code No. 12 of 1994 criminalizes both abortion without consent and abortion with consent. According to article 240, if the woman consents to abortion the person performing the abortion is punished with the embryo's blood money or the full "blood money" (the money-penalty paid by a murderer to the kinsfolk of the victim), depending on the circumstances. In this case, the mother is not entitled to any of the embryo's blood money or the blood money. If the mother dies, the person performing the abortion shall pay blood money for the fault. If the mother does

the abortion herself, she shall pay the embryo's blood money or full blood money, depending on the circumstances. There is no punishment if a specialist doctor decides that the abortion is necessary to preserve the mother's life.

Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?

There are no laws or regulations that guarantee access to post-abortion care.

Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?

Despite the fact that the Public Health Law provides that health education must be covered and behavioural and health patterns must be encouraged, and a

health education programme must be incorporated into the educational curriculum, there are no national policies which mandate comprehensive sexual health education in national school curricula.

Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?

Public Health Law No. 4 of 2009 provides free health services for people living with HIV and criminal punishments are imposed on health workers who discriminate against those patients. A national programme aims to reduce the number of people suffering from sexually transmitted infections.

Does the law criminalize consensual same-sex sexual conduct?

Same-sex sexual relations are criminalized under articles 264 and 268 of the Penal Code.